That, he said, was the American way of doing business, and he believed that an America canal under such conditions would yet be built. The idea of having an English partnership in this great work would not be partnership in this great work would not be tolerated, nor would the people of this country indorse the principle that England, even in a vague sort of fashion, had an thing to say or was as a matter of right entitled to be consulted.

SENATE PROCEEDINGS.

Senator Towns of Minnesota Takes the Oath Navai Militia Bill

Washington, Dec. 10.-Immediately after the morning meeting of the Senate this morning the credentials of Charles A. Towne, as Senator from Minnesota to fill the vacancy created by the death of Senator Davis, were presented and read. The Governor of the State certifies that he has appointed Mr. Towne, "the appointment to be in full force and effect until the next meeting of the Legislature, and until a successor is elected and qualified." The verbiage of this sentence was criticised by Mr. Chandler (Reb., N. H.), as being at variance with the language of the constitution, but he interposed no objection. The oath of office was thereupon administered to Mr. Towne, who was escorted to the Vice-President's desk by Mr. Nelson (Rep. Minn.)

Vice-President's desk by Mr. Neison (Rep. Minn.)
Mr. H. de (Rep., Me.) presented a bill, recommended by the Secretary of the Navy, to amend the act of Aug. 2, 1894. "To promote the efficiency of the Naval Militia." The act referred to authorizes the Secretary of the Navy to detail from the enlisted forces of the Navy to detail from the enlisted forces of the Navy a sufficient number of men as ship keepers, upon the loan of a vessel for the use of State Militia. Secretary Long says this has not resulted satisfactorily and asks that the act be amended and the men now employed in this way be discharged from the service, or returned to their regular duties. This bill will, if passed, compel the States to employ their own ship keepers.

THE HOUSE BREAKS THE RECORD. Considers and Passes the Big Legislative Appropriation Bill in Three Hours.

WASHINGTON, Dec. 10 .- The House to-day passed the first of the great appropriation bills that providing salaries for the personnel of the various legislative, e ecutive sonnel of the various legislative, e-ecutive and judicial departments during the fiscal year beginning next July-in the record breaking time of these hours. The measure comprised 123 printed pages, and almost the entire time was taken up of the clerk in reading it. Mr. Bingham (Rep., Pa.), who had the bill in charge, made a brief explanation of its provisions and only two amendments were offered.

Among the more important charges from existing low were appropriations for a deputy Assistant Treasurer of the United States at \$3,000 a year, and tor increases in the salaries

ear, and for increases in the salaries schiefs of division in the Post Office

Some surprise was expressed that the parah carrying appropriations for the Civil ice Commission was passed without rd of protest, as it is usually the subject a word of protest, as it is usually the subject of extended debate, and once within recent years three days were required in disposing of it. Mr. Bingham, after the bill had been passed, thanked the Committee of the Whole for their assistance in disposing of the bill so expeditionly.

Mr. they after, (A.) introduced a joint resolution providing for the printing of 15.000 cories of "Messages and Papers of the Fresidents," 10,000 of which are to be for the liouse and 5.000 tor the Senate.

BIDS FOR NEW WARSHIPS. The Fore River Company Likely to Get Contracts for Four Armor Clads.

WASHINGTON, Dec. 10 .- It was very clearly demonstrated at a meeting of the Naval Board or. Construction to-day that the members of the board believe that the Fore River Engine Company of Quincy, Mass., is entitled to a contract for building at least one of the to a contract for building at least one of the battlessips for which bids were opened last Friday. Ints company has not constructed any Government vessels, except destroyers and small gunboats, but its piant has been enlarged and it now claims to be able to build the largest type of armor clads. It was said at the Navy Department to-day after the meeting that it was not beyond the bounds of probability that the company would get the contract for building four shins on achat the company would get r building four ships on acof probability that the company would get the contract for building four ships on account of the lowness of its bids.

The bid of the Moran brothers of Seattle, Wash, another new factor in the construction of big armer clads, was regarded very favorably by the board and the hope was expressed that the company would be able to successfully build vessels of the highest types.

THE BOUTELLE RESOLUTION.

Secretary Long Says He Has No Objection to the Proposed Legislation.

WASHINGTON, Dec. 10.-The Committee on Naval Affairs of the House has received a letter from Secretary Long in regard to the foint resolution providing for the appoint-

Supreme Court Decisions

WASHINGTON, Dec. 10.-The Supreme Court to-day in the complicated case of the Choctaw and Chickasaw Indians and the Wichita Indians and affliated tribes, involving the title to about 7,500,000 acres of land, known as the "Leased District," and forming a part of the Wichita Reservation, reversed the judgment

Wichita Reservation, reversed the judgment of the Court of Claims in so far as it sustained the claim of the Chectaws and Chickasaws and remanded the case with instructions to find for the Wichitas and affiliated tribes, in accordance with the facts and as may be consistent with the law.

In the case of the appeal of R. A. Williams, Chief Justice Fuller announced the opinion of the Court that the taxation of an "immigrant agent" by the Georgia laws was not in violation of the interstate commerce clause of the Constitution. The agent is described as "a person engaged in kiring laborers to leave the State."

In the case of Louis J. Gableman, Jr., vs.

In the case of Louis J Gobleman, Jr., vs. the Peorla, Decatur and Evansville Railroad the United States Court of Appeals for the Seventh Circuit was informed that the fact that a receiver for a corporation had been appointed by a Federal court did not necessarily make a case in which the corporation, while under such receivership, continued one arising under the laws of the United States. The Missouri law, classifying the city of St. Louis by itself for registration purposes, and the law of registration, enacted for the regulation of voting in that city were sustained by the Supreme Court, the decision being announced by Justice White.

Deaths of Soldiers in the Philippines. WASHINGTON, Dec. 10. Gen. MacArthur cabled the

War Department this afternoon from Manils the follow-Dec 3 Company K. Fighth Infantry, ch, Nov 30 Company I. Second Infantry, examinds Nov 24 Company F. Thirty-third acm Reliks Aug 1. Company M. Forty-otry, Henry Larnadan idies connais reserved in action. Dec. 2 Com-estata Infantra, I inc. Jusseaume; Dec. Tweatth Infantry, John Bitchey, Dec. Therry second Infantry, William Bold. 6 Company G. Forty-eighth Infantry, referr bes. Company E. Forty-eighth Whitam & Harden; Dec. 8, Company F. Forty-eighth Infantry, Gran, Latimer Railed by contrale Nov. 50, Company M. Forty-niath Infac ty, Sergi George Givens. Rilled by sentry by missake. Nov. 21 Shane Deyle, Drewned. Dec. 1, Procp. D. First Cavairy, Vincent Particles. hias Thomas.
Island T

oreforth Nations II. Stinnett.

a Infantry, Charles II. Stinnett.
berculoss. Dec. 1 Company II. Forty-eighth
ary, Samuel Hardy.

With reference to telegram of Oct. 4. Death of John Dolan, Company K. Therty-seventh Infantry, mistake; Corporal John A. Dolan, Company C. Thirty-seventh U. S. Volunteer Infantry, correct.

REDUCTION OF WAR TAXES.

MINORITY OF HOUSE COMMITTEE PROPOSE TO CUT OFF \$70,000,000

They Attack Secretary Conge's Estimate of the Probable Surplus in 1002 and Say That It Will Be Nearer \$100,000,000 Than \$28,000,000 Tax on Incomes.

WASHINGTON, Dec. 10 .- The report of the

and Means of the bill re-lucing the war revehue tax finds fault with Secretary Gage's estimates of the probable surplus during the coming fiscal year. It is singular, they say, that with the present law in force and a surplus of \$0,000 for the current year, the Secretary of the Treasury should estimate a surplus of only \$26,000,000 for the following year, while at the same time he estimates an increase of \$29,000,000 receipts. The minority is of the opinion that the expanditures will not be as great as the Department's estimate, that the surplus for the next fiscal year will reach \$109,000,000, and that the war revenue tax can be reduced by \$70,000,000, instead of the \$40,000,00 in the bill reported by the majority of the committee. The additional reduction proposed by the minority would they say, make it possible to give relief to the tonacce interest and further relie

would, they say, make it possible to give relief to the totacco interest and further relie to the producers of beer, both of which interests were suffering and the latter was also languishing on account of the heavy tax imposed for war purposes.

Inc report attacks the Dingley Tariff act, saying that it had been proved beyond question by the evidence before the Industrial Commission that many of the powerful trusts that had an absolute menopoly of their business in this country, exercising their power despotically and injuriously to the people, largely owed their growth to the customs duty imposed by that law, which destroyed foreign competition. Those memopolies, created and fostered by the government, sold goods to foreign consumers at a lower price than the same goods were sold to home consumers.

than the same goods were sold to home consumers.

To prevent this injustice upon American citizens the minority urgently insist upon a modification of the present tarif laws. They also favor an alteration in the system of taxation which would collect more revenue from the accumulated wealth of the country and correspondingly less from the producing energies and enterprises. They believed that justice and equity required that a person should be taxed rather on what he has than on what he needs, hence they favored a system by which a reasonable portion of the present taxes should be collected from incomes or from profits, rather than that almost the entire burden of taxation should be placed on consumption.

the entire burden of taxation should be placed on consumetion.

They believe that a provision could and should be prepared which would accomplish the just ends sought in an income tax, yet escape an adverse decision of the Supreme Court of the United States, such as was rendered against the income tax provided for in the Wilson law.

The vice of existing legislation, they contend, is that for Federal purposes the people are taxed for what they want and not for what they have, and a false system of taxation has thus been inaugurated which has practically made a per capita distribution of the burdens, instead of a distribution in some degree proportionate to the wealth which is protected.

TO PROBE WEST POINT HAZING. Case of Cadet Booz Will Be Thoroughly Investigated -Col. Mills's Statement.

Washington, Dec. 10.-The case of Cadet Booz, whose death has been attributed to the effects of hazing two years ago at the West Point Military Academy, is to receive a thorough investigation. Supt. Mills of the academy arrived in Wa hington this morning and went directly to the War Department for a consultation with Secretary Root. He went over the entire history of young Booz's life at the academy. He explained - hat he had found in his investigation of the hazing of Booz and insisted that the former cadet's death could not be attributed to that practice. While Col. Mills was at the War Department Secretary Root received from the House Military Committee a copy of Representative Driggs's resolution for an investigation of the charges. He at once directed that a reply be sent to Chairman Hull, saying that Col. Mills had come to Washington ready to make a report on the subject and would have it written ready for presentation some time this week. It was learned at the War Department this afternoon that Col. Mills has practically completed a copy of his report, which is very voluminous, and it will be filed with the committee some time to-morrow. of Booz and insisted that the former cadet's

Father of Cadet Booz Prepares a Statement. PHILADELPHIA, Dec 9 William Booz, father of Oscar L. Booz, the West Point cadet, who died, it is alleged, as a result of a hazing. has prepared a statement embracing information in regard to the treatment will be placed in the hands of Congressman Irving P. Wanger of the Seventh Pennsylvania district, who appointed Booz Mr. Booz says he does not want to condemn the Academy, but he is convinced that his son died as the result of the treatment he received, and for the benefit of others who may be treated likewise he desires an investigation that may determine whether the cadets are in the habit of being brutal in their attempts to discipline those who displease them.

please their Movements of Naval Vessels.

WASHINGTON, Dec. 10 - The despatch boat Sylph has arrived at Washington, the gunboat Frolic at Lambert's Point, the collier Abarenda at Aukland, the torpedo boat

Abarenda at Aukland, the torpedo boat Porter at Newport, the flagship Brookiyn and the supply ship Zafiro at Hollo, and the tag Potomac at Nige.

The cruiser Bancroft has sailed from Colon for Almirante Bay, the battleship lows and the cruiser Philadelphia from San Diego for Magdalena Bay, the vatership Archiusa from Cavite for Guam, the torpedo boat Dupont from Newport for New York, the torpedo boat Foote from New York for Newport, the gunboat Vicksburg from Naples for Port Said, and the training ship Dixie from Naples for Villefranche. Coaling Stations on the Pacific Coast.

WASHINGTON, Dec. 10. -Rear Admiral R. B. Bradford, Chief of the Naval Eureau of Equipment, resumed his duties at the Navy Department to-day after an absence of four weeks inspecting sites for coaling stations on the Pacific Coast. He visited Seattle, Tacoma, Portland. San Francisco and San Diego, and was much impressed with the facilities each was much impressed with the facilities each place offered for coal depots. He personally decided the site of the station at San Diego. No decision can be reached as to the station near San Francisco until a legal controversy over the possession of Mission Rock. In San Francisco Bay, has been settled. The Government claims this island and wants it for a coal depot.

Cruiser New York to Be Admiral Rodgers's Flagship.

Washington, Dec 10 -Rear Admira Frederick Rodgers, who has been assigned to the Asiatic Station as a squadron com-mander, has selected the armored cruiser New York as his dagship and he will sti for the Far East in her next February The New York is undergoing an extensive over-hauling at the Brooklyn Navy Yand Ad-miral Rodgers will go to Manila by the European route and may stop on the way at we rocco to collect the indepnity of \$25,000 which this Government devands for the killing of an American citizen at F

Army and Navy Orders. Washington, Dec. 19 - These army orders have been

Issued
First Lieut Sanford H Wadhams, Assistant Surgeon, in the Department of Porto Rice, to columbus barra ka Major Timothy E. Wilcox, Surgeon, from Columbus barracks to Chicago as Chief Surgeon, Department of the Lakes.

Lieut Coi, Frank E. Nye Assistant Commissary General of Subsistence, from duty as Chief commissary, Department of Porto Rico to Chicago as Chief Commissary of Department of the Lakes, relieving Major William L. Alexander
Capt. Ira MacNutt, Ordnance Department, from the command of the Sandy book Proving Ground and relieved as a member of the Board for Testing Riffed Canton, &c., and assigned to duty as inspector of ordnance, with station in New York Sity, and to duty in charge of the repair of the Armanent of the Sandy Rock Proving Ground and as a member of the Board for Testing Riffled Cannon, &c.

Three payal Orders have been issued:

These mayal orders have been issued!
Capt. John Lowe, rettred from Dec. 11
Lieut F. R. Brainard, from the Wompatick to New
York Hospital for treatment
Lieut. H. K. McMotris, from the Heiena; proceed
home and resignation accepted to take effect one mouth
after arrival.

Stops the Cough and Works Off the Cold.

Laxative Brome-Quinine Tablets cure a cold in one

ALASKA'S MINERAL WEALTH.

A Vein of Copper Five Miles Long and 180 Feet Beep Should Yield #780,000.000. WASHINGTON, Dec. 10. - B. F. Millard o ippewa Palls, Wis. who went into the conner country of Alaska in 1898, is the guest of Congressman denkins in this city. Speak ing of Alaska's immense wealth in copper

he save "The Copper River itself is larger than minority of the House Committee on Ways the Mississippi, although it is not so long. and is not navigable, except for stretches of perhaps forty or fifty miles. There is great placer gold camp on Slate Creek. a tributary of the Chistlechina, which has an immense quantity of gold-bearing dike, worth \$8 a ton. It is ten times larger and four times richer than the famous Treadwell mines at Juneau. The copper mines, which are more extensive than any deposit ever discovered in this country, and which alone will lay the foundations of the greatest fortunes ever known in America, are on the Chittyna River and its tributaries. The Calumet and Hecla mines, that have paid \$72,000,000 in dividends, yield ore of from 31, to 41, per cent, copper; the Anaconda, Butte and Boston mines have ore of from to 81 per cent. The Clark mines in Arizona yield from 10 per cent, to 12 per

cent, of copper. "In prospecting near the Chittyna I have found extensive veins of copper which yield 471 pounds to the cubic foot of ore, or 85 per cent., while other deposits yield 6s per cent .. 40 per cent., and so on down to 13 per cent. The richest vein of 85 per cent. ore, has been located for a distance of five miles, and in some places to a depth of 160 feet. Calumet and Hecla is now being worked to the depth of a mile, but this big deposit that I speak of, if worked to a depth of 100 feet, should yield \$780,000,000. I am aware that the figures are large, but I speak advisedly. Mr. Millard is enthusiastic over the future

of all Alaska as a mining country. "The Nome district, which I visited during the past summer, will yield untold millions in gold," said he. "In the Slate Creek region there are claims, located two years ago and abandoned as worthless, which \$100,000 cannot buy now. But Alaska will not be great for her immense mineral wealth alone. The habor of Valdes is nearer the Orient than either San Francisco or Seattle and the vast trade that passes to the East must eventually go by way of Alaska, which will have great cities along the coast." .

CLEARING HOUSE TAX CASE. Supreme Court Upholds the New York

County Tax Commissioners. WASHINGTON, Dec. 10.-In the Supreme Court to-day, in the matter of the complaint of the New York Clearing House Building Company, that the assessment made against it by the Commissioners of Taxes of New York county denied it the equal protection of the law, Mr. Justice Peckham announced that the supreme Court had affirmed the Judgment of the New York Court of Appeals, which sustained the action of the Commissioners.

Col. Liscum's Remains Arrive in Washington.

WASHINGTON, Dec. 10 -The remains of Col. Liseum, who was killed at the head of his regiment in Tientsin, arrived here at 1:40 o'clock this afternoon. The body was in o'clock this afternoon. The body was in a special car and accompanied by Mrs. Liss-cum and tien. Wilson and his staff, who came from China on the same steamer with Mrs. Liseum and the remains of her husband. A squadron of cavairy from Fort Myer es-corted the body to St. John's Parish Hail, where it will be watched over by a guard of honor until 2:30 o clock to-morrow after-noon. Then it will be removed to Arington cemetery, where the services will be held and the interment made.

Agricultural Experiment Station in Porto Rico.

WASHINGTON, Dec. 10 -An exhaustive report on the agricultural conditions of Porto Rico was transmitted to the House to-day by President McKinley. It is by Prof. 8 A. Knapp of the Iowa Agricultural College. A. Knapp of the lowa Agricultural College.

Prof. Knapp recommends that an experiment station be established in the island and special attention be paid to college, sugar and tobacce, with instruction in horitualiture, forestry, animal busbandry and dairying.

Secretary Wilson recommends an appropriation of \$15.000 for buildings and ground, and \$15.000 a year for maintenance.

United States Minister to Guatemala, has telegraphed the State Department from Guatemala city that R. H. May, the American contractor detained in Guatemala on the charge leased and would be permitted to leave the country. In compliance with Guatemela law May designated William F. Faqua as his representative in any suit that might be brought, but despite this May was prevented from leaving Guatemala and Fuqua was sent by him to the United States to protest to the

Addition to the Treasury Building.

WASHINGTON, Dec. 10.-A request from to-day for \$275,000 for the addition of a story to the Treasur: Building Supervising Archiect Taylor points out that this additional story would give a fireproof roof and thus calls attention to the decay of the soft stone used on the east front of the Treasur; Building and recommends an appropriation of ing and recommends an appropriation \$325,000 for rebuilding the front in granite



few, or where the sizes are such that it becomes difficult to fit every comer, or where a pattern for some unknown reason has been given the cold shoulder; snipping the price.

soldier is not a soldier in the strict military soldier in the strict military soldier is not a soldier in the strict military soldier in t snipping the price.

That's what we've been doing Favorable Report on Bynum's Nomination. Winter suits-costs less to keep warm now than a week ago.

Snipping doesn't describe the harsh treatment given several hundred sack suits of 32, 33 and 34 inch chest measure. 810.

ROGERS, PEET & COMPANY. 258 Broadway, cor. Warren, and 7 and s Warren St. 569 Broadway, cor. Prince. 1260 Broadway, cor. 52d. and 54 West 33d St.

GEN. J. H. WILSON ON CHINA.

HE SAYS SHE IS AT THE MERCY OF

the Has Fought Her Last Battle Against Progress, He Says, and Progress Has Won - The Imperial Buildings Gave Evi dence of the Poverty Existing in China.

WASHINGTON, Dec. 10. Gen. James H. Wilson, who went to China as commander of one of the military divisions of the United States relief expedition, arrived in Washington this afternoon and reported to the Secretary of War. As an authority on China existed in China, and he has already com-, of the bill pleted a revision, bringing it down to the Chinese Court

"These influences," said Gen. Wilson tonight, "made it as pear that China was strong enough to clear out all foreigners. Bad advisers of the Empress misled her as to the strength of the Empire. China has never | me had an army able to defeat the foreign armies, and never will have. There is no doubt about the fact that the Empress, Jung Lu, and Hung Fu Hsiang were implicated in the project to exterminate the foreigners. But the Empress was misled, and the Emperor could do nothing.

"They have at last realized their weak-China is now at the mercy of the foreign Powers: absolutely at their mercy. The question of a settlement depends upon the Powers and must be settled by the representatives of the different governments at their respective capitals. In my judgment China will accede to most any demand made upon her. She can do nothing else. No matter how severe the burden or enormous the indemnity put on her she could not refuse to submit. Of course it cannot be expected that the Empress or Jung Lu or Tung Fu Hslang would agree to a proposition that they be executed. By leaving this out of the demand the Powers can insist upon the strongest claim."

Gen. Wilson believes that China's present dificulty will, however, prove, her own salvation. China has for years been fighting foreign influence "It has fought its last battle against progress," he said, "and progress has triumphed. After a settlement is reached China will be open irrevocably to modern progress

Gen. Wilson was asked about the report that Li Hung Chang's secretary had been Civil Engineer Funk of the railroad company taken into custody by direction of Count has been arrested and will have a hearing on Waldersee. The press despatches gave his name as Yiko. Gen. Wilson said he met all of Li Hung Chang's secretaries and there was to is knowledge none by that name. He said that 1.1 Hung Chang's chief secretary is an American named Pethick, upon whom Earl Li leans very dependently.

Gen. Wilson expressed the belief that Li Hung Chang is acting in good faith in his efforts to effect a settlement with the Powers. "What else is there for him to do?" asked Gen. Wilson. "What can China do but work for a settlement? As to his credentials I believe he will get them at the proper time. He has no desire to deceive the representatives of the Powers, as it could do him no good and would not benefit China."

Speaking of Count von Waldersee, Gen. Wilson expressed the opinion that he was not personally responsible for the outrages committed by the Germans. He said: "Count von Waldersee is a man of excellent principles and character. I cannot believe there was any difference of opinion between him and tien (haftes over the question of looting. Military expeditions against the Chinese should be discontinued. They do no good should be discontinued. They do no good by kining peaceable and harmiess natives.

"It should be remembered, on the other hand, that the provocation of the Germans is great. Their Minister was kined, and it is only natural that they should try to find his slayer and punish him. In such a situation it is no easy matter to control the individual soldiers. As to Gon. Chaffee's barring the gate to the imperial palace, I will explain

Washington, bec. 10.—W. Godfrey Hunter United States Minister to Guatemala, has belegraphed the state Department from Guatemala (by that R. H. May, the American contractor detained in Guatemala on the charge that he had not paid his debts, had been released and would be permitted to leave the country. In compliance with Guatemala and Fugua as his representative in any suit that might be brought, but despite this May was prevented from leaving Guatemala and Fugua was sent by him to the United States to protest to the Government.

Sent Releases Contractor May.

Bermission from the General guarding the gate to be entered. When Count you wall are to go through the gout permission from the Judge to pass through the south gate, as it leads right through the Imperial buildings. It is not unnatural that give the way through the south gate to the imperial buildings. It is not unnatural that give the way through the south gate and has barred the way through the first acceptance by China, two hundred and fifty years ago, of western science. To take them from their position and carry them away seems to be unnecessary comment.

mnecessary comment.
The instruments are out of date, but they be beautiful specimens of bronze work. The instruments are out of date, but they are beautiful specimens of bronze work. Their removal can do no possible good, and it is difficult to see upon what ground it can be justified. I cannot believe that Count von Waldersee would countenance such an act. Nor would any one be surprised, if he did countenance it, that Chaffee should protest against it.

he did countenance it, that Chairee should protest against it."

Gen. Wilson related to THE SUN reporter his impression of the Imperial buildings. He said that their appearance inside gave much evidence of the poverty existing in China. The throne room was dirty and the throne itself nothing but a wooden chair gilded.

throne itself nothing but a wooden chair gilded.

**Blere was an unusual sight in the Emperor's room, though," said Gen. Wilson. "He had a mania for clocks. His room was filled with clocks of every description. There were hundreds of them, some of Chinese manufacture, some made in Europe and some made in the United States. There were clocks on stands on the walls and on the floor. Beside handsome brass-mounted clocks on the wall were hung common everyday wooden clocks. There was one on the floor drawn by an elephant; there were clocks in the form of birds and flowers.

Evon the room occupied by the Empress had a great many clocks in it, but here taste turned to pieces of bric-a-brac, though she had very few articles of any beauty or cost. There was some carved wood in her personal palace, which, by the way, is now occupied by Count von Waldersee, but even there no signs of comfort or luxury were to be seen.

Apparently lines bed clothe; were unknown. What does "price revision"

With us, it means overhauling our clothing stock; and wherever any one kind of overcoat or suit has sold down to comparatively few, or where the sizes are such

for the last few days with our | WASHINGTON, Dec. 10. The Senate Committee on the Judiciary ordered a favorable report this morning on the nomination of W. D. Bynum to be a member of the com-mission to codify the laws. He was apointed during the recess and has been serving for several months.

> President Mckinley at a Stag Dinner. WASHINGTON, Dec. 10 .- President McKinley attended a stag dinner to-night at the home of Justice Harlan of the Supreme Court, Ex-President Benjamin Harrison was a

Joseph Jefferson at the White House. WASHINGTON, Dec. 10.-Joseph Jefferson, the veteran actor, was among President McKinley's callers this morning. He was accompanied to the White House by Senator Hanna. REPUBLICANS IN CONFERENCE.

Ther Beelde to Support the War Tax Bill as It Came From the Committee

WASHINGTON, Dec. 10 The Republican members of the House held a conference tonight and decided to support the bill for the reduction of the war revenue as it came from the Committee on Ways and Means The bill will be taken up to-morrow, and being privflexed needs no special rule for its consideration. After Chairman Payne had explained the bill, Mr. Hepburn of Iowa, offered the following

"Resolved. That the recommendations mad and its people Gen. Wilson is recognized House bill No 12,394 are judicious and meet ment of Judge Lacombe of the Circuit Court as one of the best in the United States. His with the approval of this conference, and that book, published some years ago, describes all Republicans of the House be urged to vote his application for release on a writ of habeas with great acuracy conditions which then against all amendments and for the passage corpus from custody of William Henkel,

tributes entirely to a bad influence in the | duced to \$1.50 instead of \$1.60. This motion | case. found considerable support, especially from St. Louis and Wisconsin members. Mr Babcock of Wisconsin, chairman of the Re publican Congressional committee, thought the tax on beer should be reduced, also the tax on tobacco. Mr. Roberts of Massachusetts offered a

Mr. Roberts of Massachusetts offered a motion that the tax on beer should be reduced only 10 per cent instead of 20, and that the tariff on tea should be reduced from 10 to five cents a pound. He said that the tea importers were all being ruined by the present tax.

Chairman Payne opposed the motion, especially on the ground that to change the tariff on tea would open up the whole subject of the tariff, which the Republicans were pledged not to tanger with at this session. edged not to tamper with at this session motion was also strongly opposed ose infavor of a further reduction in

those infavor of a further reduction in the beer tax.

Western members, especially those from Kansas, desired the tax on bank stock reduced or repealed and many members favored a retention of the tax on checks and drafts, Mr. Fearce including this suggestion in his motion for the reduction of the beer tax, but afterward eliminating it.

Mr. Shaw of New York, who has taken the seat of the late Representative Chickering, made a short speech, in which he said he thought the conference should accept the judgment of the committee. he thought the conference should accept the judgment of the committee.

Mr. Roberte's motion was lost almost by aunanimous vote. Mr. Pearce's fared some-what better and showed there was a strong sentiment in favor of a further reduction in the beer tax, the vote being 45 to 65. Mr. Hepburn's motion was then carried, by a vote of 88 to 29.

BLOOD IN MAYOR OTIS'S EYE. He Balks a Second Attempt of the West

Shore to Extend Its Tracks. As a result of the fight between the West Shore Railroad and the town of West New York, N J., over the attempted laying of tracks across Broad street in that town, has been arrested and will have a hearing before Recorder Murphy this evening on Sunday atternoon a gang of hearly a hundred men headed by Roadmaster Johnson, made another attempt to lay the tracks Patrolman Corliss ordered the men to stop. Engineer Funk told them to continue and they obeyed. They got the ties down, the rails laid and the work almost completed. Serat. Gleitzman then arrived on the scene with two other policemen. He told his men to draw their revolvers. Johnson ordered the laborers to proceed with the work, but Officer Pichard showed a revolver under his nose and he rescinded the order. Mayor Otis, who then ran up, shouted to the police to tear up the tracks, and this was done. Funk tried to prevent it and was placed under arrest.

Mayor Otis says any attempt by the railroad company to extend its tracks will be resisted by force if necessary. He says that has been arrested and will have a hearing before Recorder Murphy this evening road company to extend its tracks will be resisted by force if necessary. He says that a hundred men will answer his call at any time should the occasion arise. Or as the Mayor is quoted by those closest to him:

And shall the road get by? And shall the road get by? Then five-score West New Yorkers Will know the reason why!

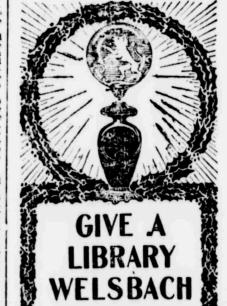
BEATTY HOPES HE'S A LEGATEE Under the Alleged Will of the Murdered and

Forgotten James Smythe. Cornelius Beatty, a policeman of the West Thirtieth street station, thinks that he may be the legatee for \$800,000 under the alleged will of the alleged James Smythe, described as a wealthy New Yorker, concerning whose tion it is no easy matter to control the individual soldiers. As to Gen. Chaffee's barring
the gate to the Imperial palace, I will explain
that situation.

After the capture of the Imperial City
it was agreed that the gates captured should
be held by the troops capturing them. The
Americans captured the south gate and
the Japanese the north and eastern gate.
After the troops marched in a body through
the palace, note was allowed inside without
permission from the General guarding.

There was a funeral in the rear yard of Engine Company 64 in Fifty-second street, near Fifth avenue, Frooklyn, yesterday afternoon. It was the funeral of Spot, the old dog that had run with the engine to all fires in South Brooklyn for years. Spot fires in South Brockivn for years. Spot was one of a litter of pups rescued at a fire by one of the members of the company some years ago. The dog was taken sick last week. A veterinary surgeon attended it, but it died on Saturday. The dog's death caused sorrow among the firemen, who buried their pet in a mahogany box. A small piece of white marble was placed over the grave. One of the horses stalls in which the dog used to sleep, is draped in mourning. All the members of the engine company, even those who were off duty, attended the funeral.

The International Seamen's Union announced yesterday that it has passed reso-utions condemning the naval militia as being useess. Re olutions by that the reserve



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THE NEELY CASE UP AGAIN: CONSTITUTIONALITY OF OUR RELA

TIONS WITH CUBA INVOLVED. Connect Says the President Had No Right to Maintain a Military Government in Cuba, as It Was in Effect Making War on the Cuban Republic. Our Ally.

WASHINGTON, Dec. 10. The first of the ases involving the relations of Cuba and the United States to reach the Supreme Court came up for argument this afternoon. It was the appeal of Charles F. W. Neely of by the Committee on Ways and Means in Cuban postal fraud notoriety from the judgfor the Southern district of New York, denying United States Marshal for that district Mr. Penroe of Missouri offered an amend- | who holds him for extradition to Cuba under present time. The recent troubles he at- ment to the effect that the tax on beer be re- the act of June 6, 1900, passed to meet his

The argument developed interesting and important questions of law with reference to the right of the United States to extradite a fugitive criminal in the absence of an extradition treaty, and especially with reference to the right of the President, since the ratification of the Treaty of Paris, to maintain a military form of government in the island of Cuba. The Neely case refers exclusively to the character of the relations between this country and the island of Cuba. and thus presents an independent question from that which will be argued on Dec. 17, when the character of these relations with Porto Rico and the Philippines will be ander

The difference between the two is based

upon the terms of the Treaty of Paris, by

which the Philippines and Porto Rico were ceded to the United States, while in the case of Cuba Spain simply relinquished its control without ceding Cuba to the United States. but the United States assumed the responsibility of occupying Cuba and of preserving sibility of occupying Cuba and of preserving life and property until such time as this responsibility could be assumed by a new and stable government of the Cuban people. The question arcses by the arrest in the city of New York of Charles W. F. Neely, who was the finance agent of the Department of Posts in the Island of Cuba, on the charge of having embezzled on May 6, 1900. Cuban postal funds to the extent of \$67,000. He was arrested and detained pending a requisition by the Secretary of State to extrainte him. A motion was made to quash the warrant on the ground that the act of Congress, passed month after the date of the atleged embezzlement, authorizing the extradition, was unconstitutional. Judge Lacombe affirmed the constitutionality of the act, and Neely then applied to Judge Wallace for a writ of habeas corpus on the ground that his arrest was without warrant of law and that the act of Con ress, which was passed to authorize it, was unconstitutional. On the denial of the writ these appeals were taken. The argument was opened by Mr. Lindsay of New York, who has been Neely's counsel in all the proceedings leading up to the present status of the case. He was heard with close attention by the court, the Justices frequently interrupting with questions intended to bring out more clearly counsels views. He began with an exhaustive review of the events which preceded the Spanish-American war and said that there existed in Cuba, prior to our intervention, a Cuban republic.

This republic, he argued, the United States recognized on April 20, 1898, when it passed a joint resolution, which was signed by the President, declaring that "the people of the island of Cuba are, and of right ought to be, free and independent." He said that the Cuban Republic thus recognized, but was its ally, and that, therefore, the success of the American rmy did not mean that Cuba was conquered, but that the Spanish troops were driven out of the territory of a friendly ally. Therefore, when the Treaty of Paris was ratifled the war ceas life and property until such time as this responsibility could be assumed by a new

time thereafter, have withdrawn the army. He contended that the distillation and maintenance by the President of a military government in Cuba was, and is, without authority under international law and in flagrant contravention of the Constitution of the United States. The acts of the Military Governor, in constituting local courts, in previding a Department of Posts and a postal code, and in exercising all executive, legislative and judicial authority, were acts of usuriation, and that as the act of congress which authorized Neely's extradition was plainly intended to try him before the courts thus established by the Military Governor, which, Mr Lindsay said, were in effect military courts, such act was unconstitutional Responding to questions by Justice Brown,

les with Spain and countries in which the Stanish system of jurisprudence is in young. At no time in the history of the United States had it ever agreed to surrender its own citizens for trial under the Spanish system. With the exception of the incommunicade feature, which had been abolished, Mr. Lindsay said Cuban courts, although military, followed the Spanish system.

Mr. Lindsay was interrupted at this point by the arrival of the hour for adjournment and will conclude his argument to-morrow. In conclusion, as set forth in the brief he has filed in the case, he will urge that the military government in Cuba is unconstitutional, as it is essentially a presecution of war against the Cuban Republic, and as Congress alone has the authority to declare war against the Cuban Cepture. with Spain and countries in which the Cuban Republic, and as Congress alone has the authority to declare war against the Cuban Republic, the control of Cuba by the Pres-ident as Commander-in Chief is a virtual prosecution of war without the authority of Congress. He will deny that such govern-ment can be justified under the war power, as the war power has no existence except in time of war, when the war is authorized by Congress, and that the President cannot use the national forces for the purpose of gov-erning Cuba

the national forces for the purpose of governing Cuba. He relies especially upon the case of exparte Milligan, in which a military commission, in 1885, sitting in the State of Indiana had tried Milligan by court-martial and sentenced him to death. The prisoner applied to the United States Circuit Court for a habeas corpus, and that court and the Supreme Court held that as there was no state of war in Indiana, and as Milligan was a civilian, he could not be tried by a military commission. Mr. Lindsay contends that this decision is controlling in the present case, as Neely is an American citizen and a civilian, and the courts before which the Government seeks to try him are courts which exist by sufferance of the American military Governor. Finally, that in any event, as the trial in the Cuban courts is without a grand jury or a jetif jury, Neely cannot be tried before them without violation of the sixth, seventh and eighth amendments to the Constitution.

Three Cases Yesterday in the Infected District - Vaccination General.

Sanitary Superintendent Dillingham and Dr. Alonzo Blauvelt of the Contagious Diseases Bureau, said yesterday that the two new cases of smallpox reported on Saturday night didn't disturb them. The case of Conductor James Killoran of 120 East 127th street, was an example of what people ought not to do. Dr. Dillingham said. The conductor passed through the infected district on a Broadway car every day and he ought to have been vaccinated, but he wasn't.

Dr. Dillingham said the department doctors vaccinated 9.032 persons in this borough in the week ending Saturday night and he estimated that 75.000 persons in all had been vaccinated in the borough in that period.

Annie Clemmensen, 35 years old, and Joseph Brennan, 18 months old, were stricken down with smallpox yesterday at 302 West Sixty-ninth street, Mary Cafmassa, 32 years old, was stricken at 325 West Sixty-ninth street, All three were removed to North Brother Island. These make the total number of cases fifty.

Dr. Dillingham said as to the rumor that cases of smallpox were being kept secret in some of the big hotels that he didn't think any hotel proprietor would be foolish enough to damage the reputation of his house by keeping such a case under cover. So far as he knew no person with smallpox living in a private dwelling had remained there. He was sure that none had done so with the department's permission.

CHILDREN SHOWED IT.

Effect of Their Warm Drink in the Morning.

"A year ago I was a wreck from coffee drinking and was on the point of giving up my position in the school room because of my excessive nervousness.

"I was telling a friend about it and she said. 'We drink nothing at meal time but Postum Food Coffee, and it is such a comfort to have something we can enjoy drinking with the children to drink any kind of coffee, but she said Postum was the most healthful drink in the world for children as well as for older ones, and that the condition of both the children's permission.

"Just a little thought convinced me that Dr. Dillingham said the department doctors

against the city school management, owing to the singing of "rebel" songs during the musical exercises. "The Bonnie Blue Flag," "My Maryland, "Dixle," and other Southern songs are in books furnished by the State, and are sung during hours devoted to music. The State Board of Education is denounced for adopting "treasonable music for books for the use of school children of the State." The use of the songs has been discontinued here.

Tuesday, Dec. 11th. Underwear Department.

Sale of Silk Skirts. Bath Gowns and Aprons.

Black and Colored Taffeta Silk Skirts, \$6.75, \$8.75, \$11.75. value \$9 00 to \$16.75.

Bath Gowns. all colors, bound with satin ribbon, tied with silk girdle, \$4.85.

Aprons. Special lot of Maids' and Nurses' Aprons, at

50c. & 75c. Lord& Taylor,

Measure it

by your own standard. Make any comparisons you wish. You are invited to criticise in every way the service of the

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MUSIC TEACHERS AT LAW. A Conflict in Brooklyn Over Licenses and the

Powers of Various Officials Bernard O'Donnell, Frederick M. Davidson, Joseph A. Campbell, William B. Goate and Charles S. Yerbury, music teachers, employed in the Brooklyn public schools, recently had their names stricken from the payroll by the Board of Education on the report of the auditor who asserted that their licenses must be renewed before they could be permitted to continue in their employment. The five teachers have received no salary for September or October, and they seek a mandamus commanding the auditor to pay them. The matter came before Supreme Court Justice Maddox yesterday. Edward M. Shepard appeared for the relators. Assistant Corporation Counsel Stapleton stated that no objection to the granting of the writ would be made if it were agreed that the order should contain a clause that the Court did not pass on the conflict as to the powers of Supt Maxwell and Albert S. Caswell, the musical director, in the Brook lyn schools. Mr. Shepard is to have until Friday to think over this proposition, to which at first he objected.

Mr. Caswell's contention is that the license he gave to the music teachers, under the rules of the board are valid, and that they have never been revoked by the State Superintendent of Public Instruction. report of the auditor who asserted that

State Delegates to National Live Stock As-

sociation. ALBANY, Dec. 10 .- Gov. Roosevelt to-day appointed as delegates-at-large to represent the State at the meeting of the National Live Stock Association, Jan 15 to 18, Messrs. Isaac V. Baker, Jr., of Washington county, John Dwight of Tompkins county and Carl S. Burr, Sr., of Suffolk county. The meeting will be held in Salt Lake City, Utah.

CHILDREN SHOWED IT.

He was sure that none had done so with the department's permission.

OBJECTS TO SONGS AS TREASONABLE.

G. A. R. Post Protests Against Use of "Dixie" in the Public Schools.

Koromo, Ind., Dec. 10.—Gen. Harrison Post, G. A. R., of this place has a grievance against the city school management, owing to the singing of "rebel" songs during the musical exercises. "The Bonnie Blue Flag." "My Maryland," "Dixie," and other Southern sonss are in books furnished by the State, and are sung during hours devoted to music The Nate Board of Education is denounced for the use of school children of the State." The use of the songs has been discontinued by the State.

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